

compliance practices, and training that participating internet ecosystem companies can institute within their companies to reliably detect and disrupt the use of their platforms, systems, services, and infrastructure by malicious cyber actors;

(6) provide recommendations for accelerating, to the greatest extent practicable, the automation of existing or instituted operational workflows to operate at line-rate in order to enable real-time mitigation without the need for manual review or action;

(7) provide recommendations for (but not design, develop, install, operate, or maintain) technical capabilities to enable participating internet ecosystem companies to collect and analyze data on malicious activities occurring on their platforms, systems, services, and infrastructure to detect and disrupt operations of malicious cyber actors; and

(8) provide recommendations regarding relevant mitigations for suspected or discovered malicious cyber activity and thresholds for action.

(d) **COMPETITION CONCERNS.**—Consistent with section 1905 of title 18, United States Code, the Secretary shall ensure that any trade secret or proprietary information of a participating internet ecosystem company made known to the Federal Government pursuant to a public-private partnership under the pilot program remains private and protected unless explicitly authorized by the participating company.

(e) **IMPARTIALITY.**—In carrying out the pilot program under subsection (a), the Secretary shall not take any action that is intended primarily to advance the particular business interests of a given company but are otherwise authorized to take actions that advance the interests of the United States, notwithstanding differential impact or benefit to a given company's or given companies' business interests.

(f) **RESPONSIBILITIES.**—

(1) **SECRETARY OF HOMELAND SECURITY.**—The Secretary shall exercise primary responsibility for the pilot program required by subsection (a), organizing and directing authorized activities with participating Federal Government organizations and internet ecosystem companies to achieve the objectives of the pilot program.

(2) **NATIONAL CYBER DIRECTOR.**—The National Cyber Director shall support prioritization and cross-agency coordination for the pilot program required by subsection (a), including ensuring appropriate participation by participating agencies and the identification and prioritization of key private sector entities and initiatives for the pilot program.

(3) **SECRETARY OF DEFENSE.**—The Secretary of Defense shall provide support and resources to the pilot program required by subsection (a), including the provision of technical and operational expertise drawn from appropriate and relevant components of the Department of Defense, including the National Security Agency, United States Cyber Command, the Chief Information Officer, the Office of the Secretary of Defense, military department Principal Cyber Advisors, and the Defense Advanced Research Projects Agency.

(g) **PARTICIPATION OF OTHER FEDERAL GOVERNMENT COMPONENTS.**—The Secretary may invite to participate in the pilot program required by subsection (a) the heads of such departments or agencies as the Secretary considers appropriate.

(h) **INTEGRATION WITH OTHER EFFORTS.**—The Secretary shall ensure that the pilot program makes use of, builds upon, and, as appropriate, integrates with and does not duplicate other efforts of the Department of Homeland Security and the Department of Defense relating to cybersecurity, including the following:

(1) The Joint Cyber Defense Collaborative of the Cybersecurity and Infrastructure Security Agency.

(2) The Cybersecurity Collaboration Center and Enduring Security Framework of the National Security Agency.

(i) **RULES OF CONSTRUCTION.**—

(1) **LIMITATION ON GOVERNMENT ACCESS TO DATA.**—Nothing in this section authorizes sharing of information, including information relating to customers of internet ecosystem companies or private individuals, from an internet ecosystem company to an agency, officer, or employee of the Federal Government unless otherwise authorized by another provision of law and the Secretary shall ensure compliance with this subsection.

(2) **STORED COMMUNICATIONS ACT.**—Nothing in this section shall be construed to permit or require disclosure by a provider of a remote computing service or a provider of an electronic communication service to the public of information not otherwise permitted or required to be disclosed under chapter 121 of title 18, United States Code (commonly known as the “Stored Communications Act”).

(3) **THIRD PARTY CUSTOMERS.**—Nothing in this section shall be construed to require a third party, such as a customer or managed service provider of an internet ecosystem company, to participate in the pilot program.

(j) **BRIEFINGS.**—

(1) **INITIAL.**—

(A) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary shall, in coordination with the Secretary of Defense and the National Cyber Director, brief the appropriate committees of Congress on the pilot program required by subsection (a).

(B) **ELEMENTS.**—The briefing required by subparagraph (A) shall include the following:

(i) The plans of the Secretary for the conduct of the pilot program under subsection (a).

(ii) Identification of key priorities for the pilot program.

(iii) Identification of any potential challenges in standing up the pilot program or impediments to private sector participation in the program, such as a lack of liability protection.

(iv) A description of the roles and responsibilities under the pilot program of each participating Federal entity.

(2) **ANNUAL.**—

(A) **IN GENERAL.**—Not later than two years after the date of the enactment of this Act, and annually thereafter for three years, the Secretary shall, in coordination with the Secretary of Defense and the National Cyber Director, brief the appropriate committees of Congress on the progress of the pilot program required by subsection (a).

(B) **ELEMENTS.**—Each briefing required by subparagraph (A) shall include the following:

(i) Recommendations for addressing relevant policy, budgetary, and legislative gaps to make the pilot program more effective.

(ii) Such recommendations as the Secretary may have for increasing private sector participation in the pilot program, such as providing liability protection.

(iii) A description of the challenges encountered in carrying out subsection (a), including any concerns expressed by private sector partners regarding participation in the pilot program.

(iv) The findings of the Secretary with respect to the feasibility and advisability of extending or expanding the pilot program.

(v) Such other matters as the Secretary considers appropriate.

(k) **TERMINATION.**—The pilot program required by subsection (a) shall terminate on

the date that is five years after the date of the enactment of this Act.

(l) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate; and

(B) the Committee on Homeland Security and the Committee on Armed Services of the House of Representatives.

(2) The term “internet ecosystem company” means a business incorporated in the United States that provide cybersecurity services, internet service, content delivery services, Domain Name Service, cloud services, mobile telecommunications services, email and messaging services, internet browser services, or such other services as the Secretary determines appropriate for the purposes of the pilot program required by subsection (a).

(3) The term “participating company” means an internet ecosystem company that has entered into a public-private partnership with the Secretary under subsection (b).

(4) The term “Secretary” means the Secretary of Homeland Security.

SA 4406. Mrs. SHAHEEN (for herself, Mr. KELLY, and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1216. ADDITIONAL VISAS UNDER AFGHAN SPECIAL IMMIGRANT VISA PROGRAM.

Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (Public Law 111-8; 8 U.S.C. 1101 note) is amended, in the matter preceding clause (i), by striking “34,500” and inserting “38,500”.

SA 4407. Mrs. SHAHEEN (for herself, Mr. PORTMAN, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, add the following:

SEC. 1264. REPORTS ON JOINT STATEMENT OF THE UNITED STATES AND GERMANY ON SUPPORTING UKRAINE, EUROPEAN ENERGY SECURITY, AND CLIMATE GOALS.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the United States remains opposed to the completion of the Nord Stream 2 pipeline, which threatens the energy security of many European allies;

(2) the United States is concerned by recent efforts by the Russian Federation to